

**CALENDAR ITEM  
C11**

A 11

08/09/16

S 3

PRC 5159.1  
G. Asimakopoulos

**ASSIGNMENT OF LEASE**

**LESSEE/ASSIGNOR:**

The Susan M. Schaber Living Trust, UTD, June 23, 2005, Susan Martha Schaber, Trustee

**APPLICANT/ASSIGNEE:**

Christopher Charles Schimunek and Brigilin Robante Schimunek, Trustees of the Schimunek Living Trust Dated 06/13/2000

**AREA, LAND TYPE, AND LOCATION:**

Sovereign land located in Georgiana Slough, adjacent to 401 West Willow Tree Lane, near the city of Isleton, Sacramento County.

**AUTHORIZED USE:**

Continued use and maintenance of an existing uncovered double-berth U-shaped floating boat dock with boat lift, floating boat dock, gangway with railings, eight pilings, electric and water utility outlets, and bank protection.

**LEASE TERM:**

10 years, beginning October 1, 2014.

**CONSIDERATION:**

**Uncovered Double-Berth U-Shaped Floating Dock with Boat Lift, Floating Boat Dock, Gangway with Railings, Eight Pilings, and Electric and Water Utility Outlets:** \$540 per year, with an annual Consumer Price Index adjustment.

**Bank Protection:** The public use and benefit, with the State reserving the right at any time to set a monetary rent if the Commission finds such action to be in the State's best interests.

**SPECIFIC LEASE PROVISIONS:**

Liability insurance in an amount no less than \$1,000,000 per occurrence.

CALENDAR ITEM NO. **C11** (CONT'D)

**STAFF ANALYSIS AND RECOMMENDATION:**

**Authority:**

Public Resources Code sections 6005, 6216, 6301, and 6503.5; California Code of Regulations, title 2, section 2000, subdivision (b).

**Public Trust and State's Best Interests Analysis:**

On October 16, 2015, the Commission authorized a 10-year General Lease - Recreational and Protective Structure Use to The Susan M. Schaber Living Trust, UTD, June 23, 2005, Susan Martha Schaber, Trustee. That lease will expire on September 30, 2024. On September 23, 2015, ownership of the upland parcel was deeded to Christopher Charles Schimunek and Brigilin Robante Schimunek, Trustees of The Schimunek Living Trust Dated 06/13/2000. The Applicant owns the upland parcel adjoining the lease premises and is applying for an assignment of the lease. The assignment will be made effective September 23, 2015.

Assignment of this lease from The Susan M. Schaber Living Trust, UTD, June 23, 2005, Susan Martha Schaber, Trustee, to Christopher Charles Schimunek and Brigilin Robante Schimunek, Trustees of the Schimunek Living Trust Dated 06/13/2000, will not result in a change in the use of public resources or the impacts thereto. Commission staff believes approval of this assignment is consistent with the common law Public Trust Doctrine and is in the best interests of the State.

**OTHER PERTINENT INFORMATION:**

1. This action is consistent with Strategy 1.1 of the Commission's Strategic Plan to deliver the highest levels of public health and safety in the protection, preservation, and responsible economic use of the lands and resources under the Commission's jurisdiction.
2. Approving the lease assignment is not a project as defined by the California Environmental Quality Act because it is an administrative action that will not result in direct or indirect physical changes in the environment.

Authority: Public Resources Code section 21065 and California Code of Regulations, title 14, section 15378, subdivision (b)(5)

**EXHIBITS:**

- A. Land Description
- B. Site and Location Map

CALENDAR ITEM NO. **C11** (CONT'D)

**RECOMMENDED ACTION:**

It is recommended that the Commission:

**PUBLIC TRUST AND STATE'S BEST INTERESTS:**

Find that the proposed assignment will not impact the public rights to navigation and fishing or substantially interfere with the Public Trust needs and values at this location at this time and for the foreseeable term of the lease, is consistent with the common law Public Trust Doctrine, and is in the best interests of the State.

**AUTHORIZATION:**

Authorize the assignment of Lease No. PRC 5159.1, a General Lease - Recreational and Protective Structure Use, of sovereign land as shown on Exhibit A attached and by this reference made a part hereof, from The Susan M. Schaber Living Trust, UTD, June 23, 2005, Susan Martha Schaber, Trustee, to Christopher Charles Schimunek and Brigilin Robante Schimunek, Trustees of the Schimunek Living Trust Dated 6/13/2000; effective September 23, 2015.

**EXHIBIT A**

**PRC 5159.1**

**LAND DESCRIPTION**

A parcel of tide and submerged land situate in the bed of the Georgiana Slough, lying adjacent to Swamp and Overflowed Land Survey 943, patented April 14, 1873, County of Sacramento, State of California and more particularly described as follows:

All those lands underlying an existing uncovered double-berth u-shape floating boat dock with a boat lift, gangway with railing, floating boat dock, eight pilings, electric and water utility outlets lying adjacent to those parcels described in Grant Deed, recorded September 23, 2015 in Book 20150923 at Page 0847 in Official Records of said County.

TOGETHER WITH any applicable Impact Area(s).

ALSO TOGETHER WITH that land lying immediately beneath any Bank Protection Structure adjacent to said parcels.

EXCEPTING THEREFROM any portion lying landward of the ordinary high water mark of the right bank of said slough as per Boundary Line Agreement AD No. 349 filed in Book 990625 at Page 1208 Records of said County.

Accompanying plat is hereby made part of this description.

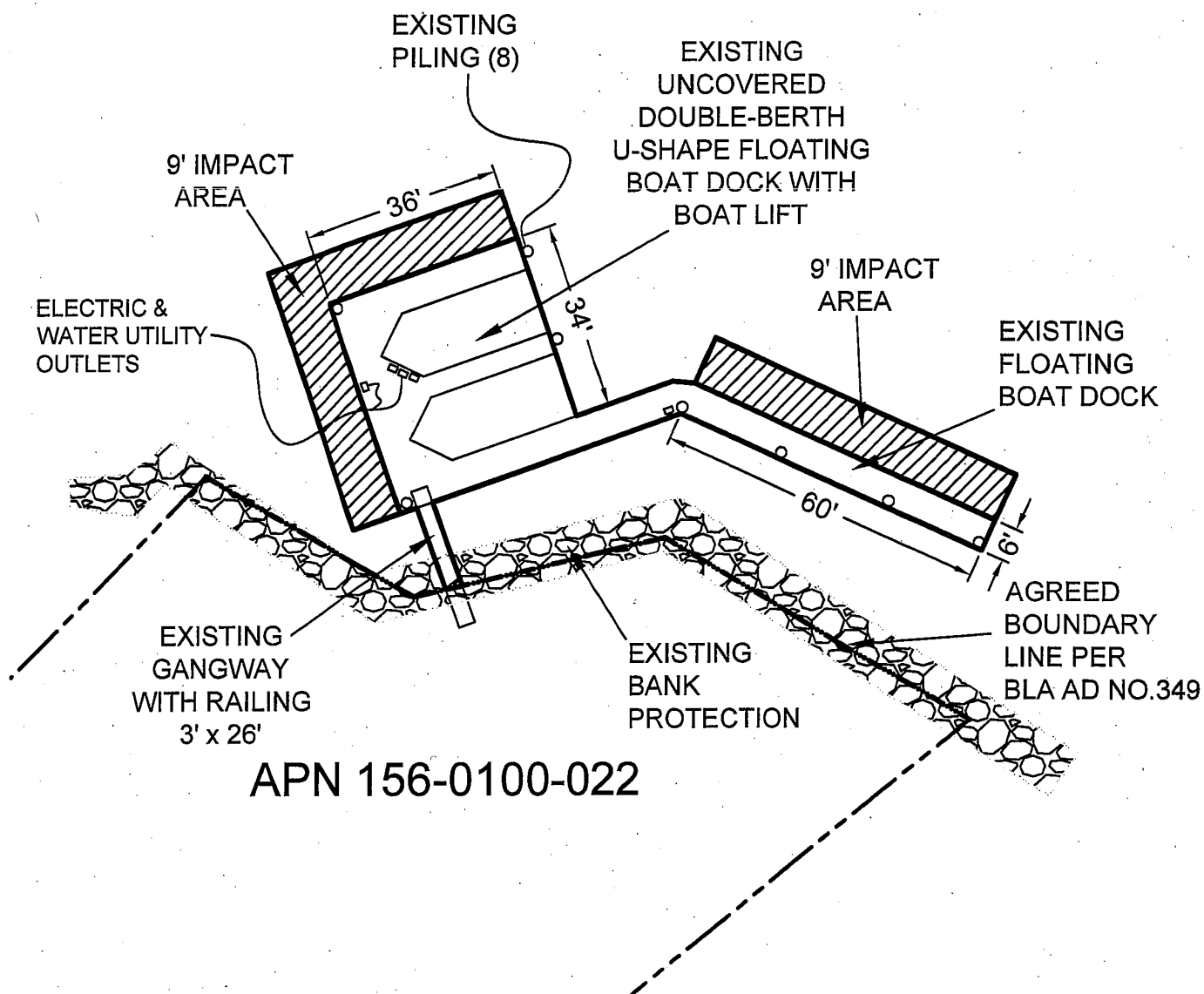
**END OF DESCRIPTION**

Prepared 07/05/16 by the California State Lands Commission Boundary Unit





## GEORGIANA SLOUGH



### EXHIBIT A

Page 2 of 2

TS 07/05/16

LAND DESCRIPTION PLAT  
PRC 5159.1, SCHIMUNEK LIVING TRUST  
SACRAMENTO COUNTY

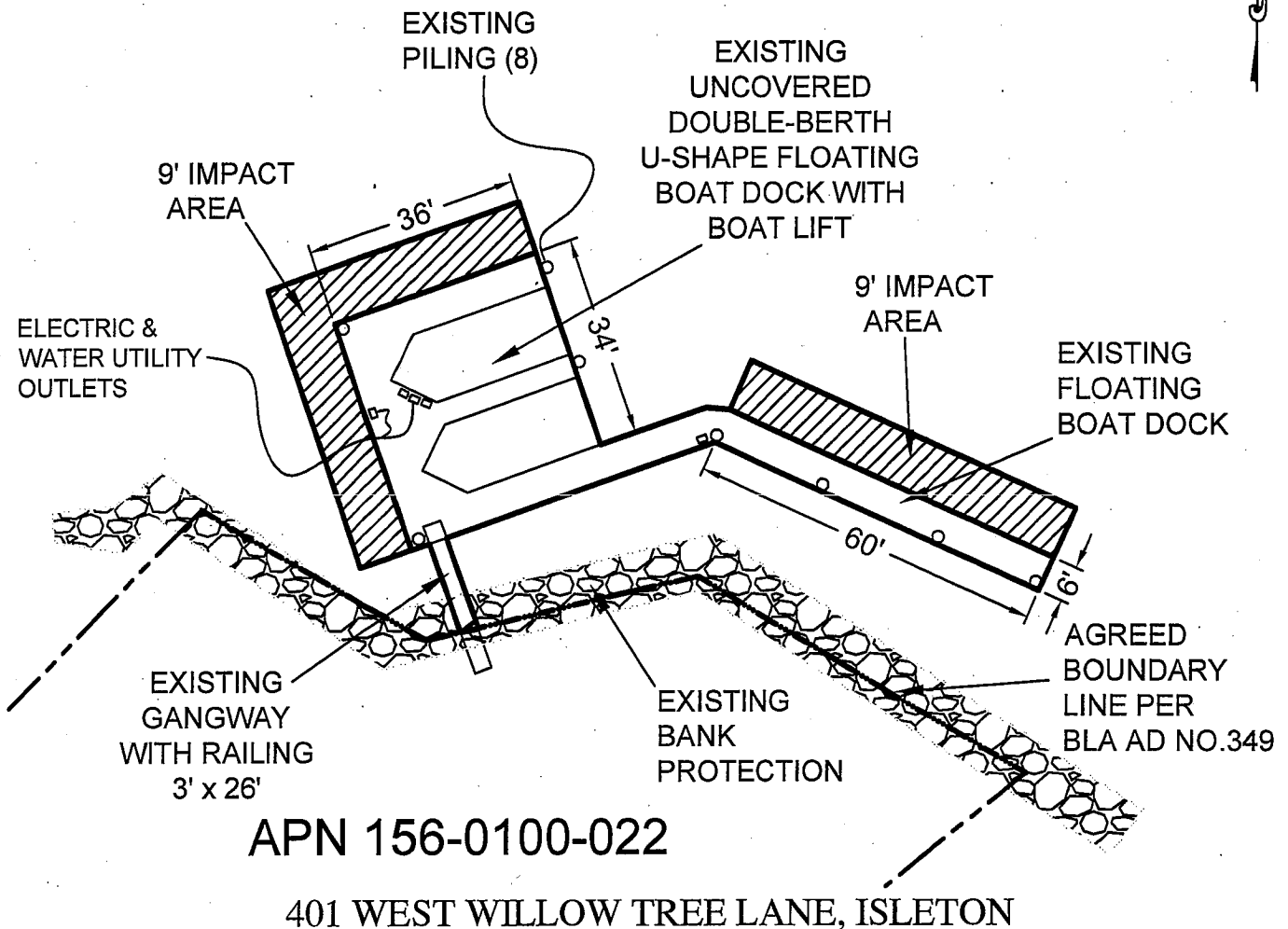
CALIFORNIA STATE  
LANDS COMMISSION



NO SCALE

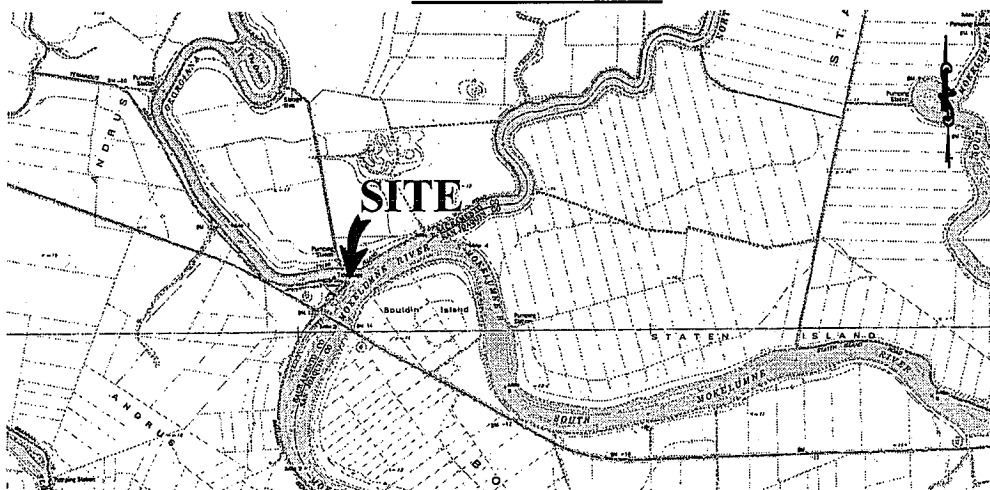
## SITE

# GEORGIANA SLOUGH



NO SCALE

## LOCATION



MAP SOURCE: USGS QUAD

## **Exhibit B**

PRC 5159.1

SCHIMUNEK LIVING TRUST  
APN 156-0100-022  
GENERAL LEASE -  
RECREATIONAL AND  
PROTECTIVE STRUCTURE USE  
SACRAMENTO COUNTY



This Exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by the Lessee or other parties and is not intended to be, nor shall it be construed as, a waiver or limitation of any State interest in the subject or any other property.

TS 07/05/16